?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 15.05.2019
*CORAM
THE HONOURABLE MRS. JUSTICE J.NISHA BANU

+W.P.(MD)No. 12134 of 2019

#Kathirasan
... Petitioner
Vs.

$1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

3. The Assistant Director,
Geology and Mining Department,
Collectorate Building,

4. The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to release the petitioner-s vehicles branding namely Ashok Leyland Tipper Lorry and TATA lorry bearing registration Nos.TN~55~P~8285 and TN~60~B~7175 seized by the 4th respondent on 30.04.2019.

!For Petitioner : Mr.A. Balaji

^For Respondents : Mrs.J. Padmavathi Devi,
Special Government Pleader

:ORDER

This Writ Petition has been filed for a direction to the respondents to release the Petitioner-s vehicles ie., Ashok Leyland Tipper Lorry and TATA lorry bearing registration Nos.TN~55~P~8285 and TN~60~B~5175.

2. Heard the learned counsel for both sides.

3. The petitioner-s vehicles were seized in connection with illegal transportation of sand. The enquiry in this regard is still pending. The learned counsel for the petitioner affirms before this Court that the petitioner-s vehicles were not involved in any previous incident of sand

theft or illegal transportation of sand.

4.The submission of the learned counsel for the petitioner is placed on record. If this submission turns out to be false, the order now passed by this Court would stand automatically recalled and the petitioner will be visited with serious consequences. I am of the view that no purpose will be served by keeping the vehicles in question in the custody of the respondents. If the vehicles are kept in open space and exposed to sun light and rain, it would lose its value. Therefore, the respondents are directed to release the said vehicles subject to the following conditions.

5 Accordingly, this Writ Petition is disposed of with the following directions.
?(i)The petitioner is directed to deposit a sum of Rs.1,00,000/~ (Rupees One Lakh only) ie., Rs.50,000/~ for each vehicle, before the second respondent;
(ii)The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicles.
(iii) The petitioner is directed to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicles in question till the appropriate proceedings initiated are completed;
(iv) On compliance of the above conditions, the fourth respondent is directed to release the seized vehicles bearing registration Nos.TN~55~P~8285 and TN~60~B~5175 to the petitioner.
(v)The second respondent is directed to pass final orders in the adjudication proceedings, if any, within a period of 45 days;
(vi)This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicles are not in the custody of the criminal Court. If the vehicles are in the custody of the concerned criminal Court of appropriate jurisdiction, then option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and
(vii)Inasmuch as the vehicle bearing Registration Nos.TN~55~P~8285 and TN~60~B~5175 are seized by the fourth respondent on 30.04.2019, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.
No costs.

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Revenue Divisional Officer,
Aruppukottai,

Virudhunagar District.

3. The Assistant Director,
Geology and Mining Department,
Collectorate Building,

4. The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.